

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RAFAEL BUENO, et al.,

Plaintiffs,

-against-

ALLCITY MEDICAL, P.C., et al.,

Defendants.

22-CV-2216 (JGLC) (KHP)

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

JESSICA G. L. CLARKE, United States District Judge:

This case was referred to Magistrate Judge Parker for, *inter alia*, General Pretrial. See ECF No. 60. In the Report and Recommendation filed on September 13, 2023, Magistrate Judge Parker recommended that Plaintiff Amada Reynoso (“Reynoso”) be dismissed from this action pursuant to Federal Rule of Civil Procedure 41(b) (“Rule 41(b)”) for failure to prosecute the case and failure to follow Court orders. See ECF No. 127.

In reviewing a Report and Recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). A district court “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3); *see also United States v. Male Juvenile*, 121 F.3d 34, 38 (2d Cir. 1997). To accept those portions of the report to which no timely objection has been made, however, a district court need only satisfy itself that there is no clear error on the face of the record. *See, e.g., Wilds v. United Parcel Serv.*, 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003). This clearly erroneous standard also applies when a party makes only conclusory or general objections, or simply reiterates his original arguments. *See, e.g., Ortiz v. Barkley*, 558 F. Supp. 2d 444, 451 (S.D.N.Y. 2008).

In the present case, the Report and Recommendation advised the parties that they had fourteen days (seventeen days for *pro se* Plaintiff) from service of the Report and

Recommendation to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. *See* ECF No. 127. In addition, the Report and Recommendation expressly called the parties' attention to Rule 72 of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(1). *Id.* Nevertheless, as of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. Accordingly, the parties waived the right to object to the Report and Recommendation or to obtain appellate review. *See Frank v. Johnson*, 968 F.2d 298, 300 (2d Cir. 1992).

Despite the waiver, the Court has reviewed the petition and the Report and Recommendation, unguided by objections, and finds the Report and Recommendation to be well reasoned and grounded in fact and law. Accordingly, the Report and Recommendation is ADOPTED in its entirety. Plaintiff Reynoso is hereby dismissed from this case for failure to prosecute pursuant to Rule 41(b).

Plaintiff's counsel is directed to mail a copy of this Order to Plaintiff Reynoso.

The Clerk of Court is directed to remove Reynoso as a Plaintiff in this action.

SO ORDERED.

Dated: October 5, 2023
New York, New York



JESSICA G. L. CLARKE
United States District Judge